

ORDINANCE NO. 3609

AN ORDINANCE OF CITY OF SCOTTSDALE, ARIZONA,  
AMENDING ARTICLE V OF CHAPTER 17 OF THE SCOTTSDALE  
REVISED CODE, RELATING TO THE STOPPING, STANDING  
AND PARKING OF MOTOR VEHICLES.

WHEREAS, technological and administrative advances have made it possible to improve and enhance the manner in which motor vehicle parking violations are initiated and processed; and

WHEREAS, taking advantage of these technological advances will improve the process used in the enforcement of parking violations, potentially reducing illegal parking activity and generally enhancing public parking options; and

WHEREAS, a review of Article V of Chapter 17 of the Scottsdale Revised Code has resulted in the identification of Code sections that can be clarified by amending them.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Sections 17-102 and 17-103 of the Scottsdale Revised Code are hereby amended to read as follows:

**Sec. 17-102. Presumption.**

(a) In any prosecution charging a violation of any of the provisions of this article governing the standing or parking of a vehicle, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and subject to the penalty **FOR THE VIOLATION.**

(b) The provisions of subsection (a) of this section shall apply to those persons in whose names such vehicle is jointly registered. The persons shall be jointly and severally prima facie responsible for such a violation and subject to penalty **FOR THE VIOLATION.**

**(C) PERSON, AS USED IN THIS ARTICLE, MEANS, AS APPLICABLE, A HUMAN BEING, AN ENTERPRISE, A PUBLIC OR PRIVATE CORPORATION, AN UNINCORPORATED ASSOCIATION, A PARTNERSHIP, A FIRM, A SOCIETY, A GOVERNMENT, A GOVERNMENTAL AUTHORITY, OR AN INDIVIDUAL OR ENTITY CAPABLE OF HOLDING A LEGAL OR BENEFICIAL INTEREST IN PROPERTY.**

**Sec. 17-103. Payment of penalty fee upon receipt of notice of violation.**

(a) Any person who becomes aware that a notice of violation has been issued with respect to an alleged violation of any provision of this article may, in lieu of court proceedings, pay the **BASE** penalty fee set forth below within **THIRTY (30)** days of the date of violation indicated on the notice of violation.

Code Section	<b>BASE</b> Penalty Fee	<b>BASE PENALTY FEE WITH ADDITIONAL PENALTY FEE</b>
17-106.....	\$15.00	<b>\$30.00</b>
17-106(18).....	<b>\$50.00</b>	<b>\$90.00</b>
17-107.....	\$15.00	<b>\$30.00</b>
17-108.....	\$15.00	<b>\$30.00</b>
17-109.....	\$15.00	<b>\$30.00</b>
17-110.....	\$15.00	<b>\$30.00</b>
17-111.....	\$15.00	<b>\$30.00</b>
17-111.1.....	\$15.00	<b>\$30.00</b>
17-112.....	\$15.00	<b>\$30.00</b>
17-113.....	\$15.00	<b>\$30.00</b>
17-114.....	\$15.00	<b>\$30.00</b>
17-115.....	\$15.00	<b>\$30.00</b>
17-116.....	\$15.00	<b>\$30.00</b>
17-117.....	\$15.00	<b>\$30.00</b>
17-118.....	\$15.00	<b>\$30.00</b>
17-119.....	\$15.00	<b>\$30.00</b>

17-120.....	\$15.00	<b>\$30.00</b>
17-121.....	\$15.00	<b>\$30.00</b>
17-122.....	\$15.00	<b>\$30.00</b>
17-123.....	\$15.00	<b>\$30.00</b>
17-124.....	<b>\$200.00</b>	<b>\$250.00</b>
17-125.....	\$50.00	<b>\$90.00</b>
17-126.....	\$15.00	<b>\$30.00</b>
17-127.....	\$15.00	<b>\$30.00</b>

(b) If the owner or operator of a vehicle for which a notice of violation has been issued fails to pay the **BASE** penalty fee **INDICATED IN THE TABLE IN SUBSECTION (A), ABOVE, OR REQUEST A HEARING AS PROVIDED IN SUBSECTION C, BELOW**; within **THIRTY (30)** days from the date the notice of violation was issued, **AN ADDITIONAL** penalty fee **SHALL BE ADDED TO THE BASE PENALTY FEE, RESULTING IN THE PENALTY FEES SHOWN IN THE TABLE IN SUBSECTION (A), ABOVE.**

(c) The owner or operator of a vehicle for which a notice of violation has been issued may contest the violation by requesting a hearing. The request for hearing **MUST BE IN WRITING AND** shall be **SUBMITTED TO THE CITY FINANCIAL SERVICES CUSTOMER SERVICE DIRECTOR, OR DESIGNEE**, within **THIRTY (30)** days of the date of the notice of violation. **THE FINANCIAL SERVICES CUSTOMER SERVICE DIRECTOR, OR DESIGNEE, MAY REQUIRE THAT THE REQUEST FOR HEARING BE MADE ON A FORM PROVIDED BY THE CITY.**

(d) If the owner or operator of a vehicle for which a notice of violation has been issued fails to pay the amount of the **BASE** penalty **FEE**, or request a hearing within **THIRTY (30)** days of the issuance of the notice of violation, then a summons and complaint shall be issued to the registered owner of the vehicle. **THE SUMMONS AND COMPLAINT FOR A PARKING VIOLATION SHALL BE ISSUED WITHIN SIXTY (60) DAYS FROM THE DATE OF THE NOTICE OF VIOLATION.** The summons shall command the registered owner to appear in the city court on a date and time certain.

(e) When a person is found responsible for a violation by a judge or a hearing officer, whether by default or after **A** hearing, the judge or hearing officer shall impose a civil sanction for the violation, which shall be not less than the amount of the **BASE PENALTY FEE, AS INDICATED IN SUBSECTION (A), ABOVE, ANY ADDITIONAL** penalty fee for the violation as

provided in **SUB**section (b), above, **IF APPLICABLE, AND ANY ADDITIONAL FEES, SURCHARGES AND PENALTIES REQUIRED BY STATE, FEDERAL OR LOCAL LAWS.**

**(F) THE PROVISIONS OF SUBSECTIONS (A) AND (E) OF THIS SECTION NOTWITHSTANDING, A JUDGE OR HEARING OFFICER MAY WAIVE, SUSPEND OR REDUCE THE PENALTY FEE THAT WOULD OTHERWISE BE REQUIRED FOR A VIOLATION OF SECTION 17-124, BELOW, IF AT THE TIME OF A HEARING IN CITY COURT IT HAS BEEN PROVEN THAT THE VEHICLE THAT WAS THE SUBJECT OF THE VIOLATION WAS ELIGIBLE FOR AND HAD BEEN ISSUED A VALID DISTINGUISHING INSIGNIA PLACARD AT THE TIME OF THE VIOLATION. IF A PERSON IS FOUND RESPONSIBLE FOR SUCH A VIOLATION AND A CIVIL SANCTION IS IMPOSED, HOWEVER, THE AMOUNT OF THE CIVIL SANCTION IMPOSED SHALL BE SUBJECT TO ALL OF THE APPLICABLE FEES, SURCHARGES AND PENALTIES DESCRIBED IN SUBSECTION E OF THIS SECTION.**

**(G)** A civil sanction imposed **PURSUANT TO SUBSECTIONS (E) OR (F), ABOVE**, shall be a **CIVIL** judgment. Such judgment may be recovered by the city as any other civil judgment including any applicable fees and charges as provided by chapter 9 of **THIS Code**. Failure to pay a civil sanction, whether by default or after a hearing, may be used to establish a habitual offender violation, as provided in section 17-128, **BELOW**.

Section 2. Section 17-103.2 of the Scottsdale Revised Code is hereby repealed and reserved and Section 17-104 of the Scottsdale Revised Code is hereby amended to read as follows:

**Sec. 17-104. Enforcement generally.**

(a) It shall be the duty of each **INDIVIDUAL, WHO IS AUTHORIZED TO ISSUE NOTICES OF VIOLATION**, to keep account of all violations of this article and to take the following actions:

- (1) Report the date, time and location of the parking, stopping or standing violation.
- (2) Report the state license number of any vehicle **THAT** is in violation of this article.
- (3) Report any other facts, knowledge of which is necessary to a thorough understanding of the violation and its attending circumstances.

(4) Attach to a vehicle **THAT** is unlawfully parked a notice of violation **THAT SHALL INCLUDE** the date, time and location of the violation; the state **AND** license number of the vehicle unlawfully parked, **AND THE CODE** provisions violated.

**(B) THE NOTICE OF VIOLATION WILL BE IN WRITING AND WILL INFORM THE PERSON OWNING OR OPERATING THE VEHICLE OF THE VIOLATION OF THE BASE PENALTY FEE AND OF THE ADDITIONAL PENALTY FEE THAT MAY BE INCURRED BY FAILING TO PAY THE BASE PENALTY FEE WITHIN THIRTY (30) DAYS OF THE DATE OF THE NOTICE OF VIOLATION. THE NOTICE WILL ALSO STATE THAT FAILURE TO PAY THE BASE PENALTY FEE WITHIN THE REQUIRED TIME PERIOD WILL RESULT IN THE FILING OF A SUMMONS AND COMPLAINT IN CITY COURT.**

**(C) A COPY OF THE NOTICE OF VIOLATION NEED NOT BE PERSONALLY SERVED UPON THE OWNER OR OPERATOR OF THE VEHICLE THAT IS THE SUBJECT OF THE VIOLATION, BUT MAY BE SERVED BY ATTACHING A COPY OF THE NOTICE OF VIOLATION TO THE VEHICLE, AS PROVIDED IN SUBSECTION (A)(4), ABOVE.**

**(D) THE FOLLOWING INDIVIDUALS ARE AUTHORIZED TO ISSUE NOTICES OF VIOLATION, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE:**

- (1) CITY EMPLOYEES, WHO ARE EMPLOYED AS POLICE OFFICERS, POLICE AIDES AND PARKING CONTROL CHECKERS.**
- (2) OTHER CITY EMPLOYEES, WHO ARE AUTHORIZED BY THE CHIEF OF POLICE, IN WRITING, AND IDENTIFIED EITHER AS A GROUP, BY JOB TITLE, OR DESIGNATED INDIVIDUALLY, TO ISSUE NOTICES OF VIOLATION. WRITTEN AUTHORIZATIONS PURSUANT TO THIS SUBSECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK.**
- (3) VOLUNTEERS PROVIDING SERVICES TO THE POLICE DEPARTMENT, WHO ARE AUTHORIZED BY THE CHIEF OF POLICE, IN WRITING, AND IDENTIFIED EITHER BY THE VOLUNTEER GROUP DESIGNATION OR INDIVIDUALLY, TO ISSUE NOTICES OF VIOLATION. WRITTEN AUTHORIZATIONS PURSUANT TO THIS SUBSECTION SHALL BE FILED IN THE OFFICE OF THE CITY CLERK.**
- (4) THE CHIEF OF THE FIRE DEPARTMENT, ASSISTANT FIRE CHIEFS, DEPUTY FIRE CHIEFS, FIRE MARSHAL AND ALL DEPUTY FIRE MARSHALS.**

Section 3. Section 17-105 of the Scottsdale Revised Code is hereby repealed and reserved and sections 17-106 and 17-107 are amended to read as follows:

**Sec. 17-106. When prohibited generally.**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer, police aide or traffic-control device, in any of the following places:

- (1) Where prohibited by official signs or where the curb is painted red.
- (2) Within a designated bus **OR TROLLEY** stop.
- (3) On a sidewalk, or in that area between the curb and sidewalk.
- (4) On those roadways without curbs in a manner so as to force a pedestrian to walk in the traveled portion of the roadway.
- (5) Within **ZEBRA-STRIPED** parking stall safety zones as designated by the city.
- (6) Beyond perimeters of parking stalls as designated by the city.
- (7) In front of a public or private driveway or the entrance to an alley.

- (8) Within an intersection.
- (9) Within fifteen (15) feet of a fire hydrant.
- (10) On or in a pedestrian crosswalk.
- (11) Within twenty (20) feet of a crosswalk at an intersection.
- (12) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway.
- (13) Within twenty (20) feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly posted.
- (14) Along side or opposite any street excavation or obstructions when stopping, standing or parking would impede traffic.
- (15) On the roadway side of any vehicle stopped or parked at the edge or curb of the street.
- (16) Upon any bridge or other elevated structure upon a street or within a street tunnel.
- (17) Upon any street, right-of-way or public property when such vehicle does not display current registration.
- (18) **IN SUCH PROXIMITY TO** fire department inlet connections or fire-protection system control valves that **IT** would prevent such equipment from being **READILY SEEN AND EASILY ACCESSED BY FIRE DEPARTMENT PERSONNEL, VEHICLES OR EQUIPMENT.**

**Sec. 17-107. Outside business or residential districts.**

No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the roadway **THAT IS OUTSIDE OF A BUSINESS OR RESIDENTIAL DISTRICT.**

Section 4. Section 17-110 of the Scottsdale Revised Code is hereby amended to read as follows:

**Sec. 17-110. Alleys.**

No person shall stand or park a vehicle in an alley at any time except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of traffic or without interfering with or obstructing the operation of a fire escape. Such parking shall not exceed twenty (20) minutes total time except that vehicles displaying the state "physically disabled parking" identifying insignia may

stand or park in an alley while loading or unloading persons for a period not to exceed **TWENTY (20)** minutes.

Section 5. Section 17-117 of the Scottsdale Revised Code is hereby amended to read as follows:

**Sec. 17-117. Permit parking zones.**

The city may determine the location of permit parking zones and may place and maintain appropriate signs and/or markings indicating the same. No person shall park a vehicle in a designated permit parking zone without displaying in a clearly visible manner a permit issued by the city manager, **OR THE CITY MANAGER'S DESIGNEE.**

Section 6. Section 17-118 of the Scottsdale Revised Code is repealed and reserved.

Section 7. Sections 17-123 and 17-123.1 of the Scottsdale Revised Code are hereby amended to read as follows:

**Sec. 17-123. Private parking areas--Generally.**

**(A)** No person shall park a vehicle in any private parking area without the express or implied consent of the owner or person in lawful possession of such property.

**(B) THE OWNER OR PERSON IN LAWFUL POSSESSION OF ANY PAVED OR UNPAVED PRIVATE PARKING AREA SHALL BE DEEMED TO HAVE GIVEN CONSENT TO UNRESTRICTED PARKING BY THE GENERAL PUBLIC IN SUCH PARKING AREA, UNLESS SUCH PARKING AREA IS POSTED WITH SIGNS AS PRESCRIBED BY THIS SECTION, WHICH ARE CLEARLY VISIBLE AND READABLE FROM ANY POINT WITHIN THE PARKING AREA AND AT EACH ENTRANCE THERETO. THE SIGNS SHALL CONTAIN THE FOLLOWING INFORMATION:**

- (1) RESTRICTIONS ON PARKING.**
- (2) THAT VIOLATOR'S VEHICLE WILL BE TOWED AWAY AT VIOLATOR'S EXPENSE.**
- (3) THE TELEPHONE NUMBER OF THE POLICE DEPARTMENT.**
- (4) MAXIMUM COST TO THE VIOLATOR, INCLUDING STORAGE FEES AND ANY OTHER CHARGES THAT COULD RESULT FROM THE DISPOSITION OF HIS VEHICLE PARKED IN VIOLATION OF PARKING RESTRICTIONS.**
- (5) EACH SIGN SHALL STATE "SCOTTSDALE REVISED CODE SECTIONS 17-123 THROUGH 17-123.5.**

**Sec. 17-123.1. Same--Consent; notice to public.**

No person shall tow or transport a vehicle from a private parking area, unless signs **CONFORMING TO THE REQUIREMENTS OF SECTION 17-123(B), ABOVE,** are posted **IN THE PRIVATE PARKING AREA.**

Section 8. Section 17-123.3 of the Scottsdale Revised Code is hereby amended to read as follows:

**Sec. 17-123.3. Same—Notice to police.**

(A) Any person towing or transporting any vehicle from any private parking area without the express permission of the vehicle owner shall notify the police department immediately upon the taking of such action and provide the following information:

- (1) The name and address of the owner of the vehicle, if known.
- (2) The vehicle license number and description.
- (3) The reason that the vehicle was removed without the permission of the person parking such vehicle.
- (4) The location where the vehicle was taken **AFTER BEING TOWED.**
- (5) The name, address and telephone number of the person or company that towed or transported the vehicle.

**(B) FAILURE TO COMPLY WITH THE PROVISIONS OF SUBSECTION A, ABOVE, SHALL CONSTITUTE A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHABLE AS CLASS 1 MISDEMEANORS ARE PUNISHABLE UNDER STATE LAW.**

Section 9. Section 17-123.5 of the Scottsdale Revised Code is hereby amended to read as follows:

**Sec. 17-123.5. Same--Penalties.**

**A violation of sections 17-123.1, 17-123.2 OR SECTION 17-123.4 SHALL CONSTITUTE A CLASS 1 MISDEMEANOR AND** shall be punishable as class 1 misdemeanors **ARE PUNISHABLE UNDER STATE LAW.**

Section 10. Section 17-128 of the Scottsdale Revised Code is hereby amended to read as follows:

**Sec. 17-128. Habitual offenders.**

(a) Any person who commits a violation of this article, after previously having been found responsible for three (3) or more violations of this article within a **THREE (3) YEAR** period, whether by default or by judgment after hearing, and who has not paid the civil sanctions required by the court for those offenses (underlying offenses) shall be guilty of a class three misdemeanor.

(b) The payment of the civil sanctions due on an underlying offense, when such payments are made after the issuance of a summons and complaint on a charge of being a habitual offender, shall not be a defense to the habitual offender charge.



(c) **A Violation of this section IS PUNISHABLE AS CLASS 1 MISDEMEANORS ARE PUNISHABLE UNDER STATE LAW.** The court shall order a person who has been convicted of a violation of this section to pay a fine of not less than two hundred fifty dollars (\$250.00), exclusive of any other fees, surcharges and penalties required by state statute, for each count upon which a conviction under this section has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of any sentence required by this subsection except on the condition that the person pay the mandatory minimum fines and other fines and charges as provided in this subsection.

(d) Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the state relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 22nd day of March, 2005.

ATTEST:

CITY OF SCOTTSDALE, an  
Arizona municipal corporation,

\_\_\_\_\_  
Carolyn Jagger  
City Clerk

\_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

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Joseph R. Bertoldo  
City Attorney